

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION  
CRIMINAL NO. 5:20-CR-00032-KDB-DSC**

UNITED STATES OF AMERICA, )  
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                                  )  
                                  )  
                                  )  
v.                              )  
                                  )  
                                  )  
ERIC OLIVER THOMPSON, )  
                                  )  
                                  )  
Defendant.                  )

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**ORDER**

**THIS MATTER** was referred by District Judge Kenneth D. Bell. Defendant and appointed counsel James R. Hawes were before Judge Bell for sentencing on February 25, 2021. Defendant raised issues related to counsel and his guilty plea.

This Court conducted a hearing in the matter on March 15, 2021. Defendant's plea agreement includes a firearm enhancement. Defendant now contends that he never agreed to the enhancement. He states that counsel advised him that the enhancement would be contested and subject to determination by the District Judge at sentencing. Mr. Hawes represents that Defendant was fully advised and understood the terms of the plea agreement.

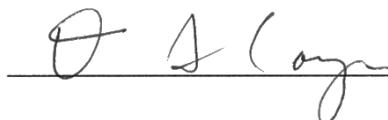
"Because the right to choose counsel is not absolute, it necessarily follows that a defendant does not have an absolute right to substitution of counsel. As a general rule, a defendant must show good cause in requesting a new appointed lawyer." United States v. Mullen, 32 F.3d 891, 895 (4th Cir. 1994).

While the Court has no basis to doubt Mr. Hawes' representations here, he is placed in a difficult position with a potential conflict. Accordingly, the Court directs the Federal Defender to appoint new counsel. The Court advised Defendant that if he seeks to withdraw his guilty plea, a motion to that effect must be briefed and filed.

The Clerk is directed to send copies of this Order to Mr. Hawes, new defense counsel, the U.S. Attorney, and to the Honorable Kenneth D. Bell.

**SO ORDERED.**

Signed: March 23, 2021

  
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David S. Cayer  
United States Magistrate Judge 